/974 cont./

2. Taking Possession

425 The most common and the simplest way of making oneself the owner of an object is to take it and confiscate it. The assumption is that, as ownerless property, it really does not belong to anyone. This includes, first of all, the things that are indispensable for life, such as food, wood for the fire, and sticks for building the hut, as well as such things as bones and whalebone for tools, pieces of bark for the canoe, and rushes for basket-weaving, and finally snail shells and tendons for ornaments, mineral pigments for body painting, and pieces of leather for various uses. Obviously all these things come from the kingdom of nature over which Watauinéiwa actually has the primary right of disposal. The Yamana have a more or less distinctly pronounced conviction that everything around them has been granted by Watauinéiwa so that they may have the usufruct of it. They make use of this general dispensation, for in no other way would they come into possession of the things they need. They do not each time expressly remember this lawful condition, but now and then the commandment not to kill more animals than are directly required for the household flairs up in their memory.

Merely by his conduct a person shows that he intends to make himself the owner of an animal or a thing. Anyone who goes into the forest and gathers firewood, anyone gathering mussels and snails along the beach, anyone who kills a larger animal with his weapons or acquires something in a similar manner thereafter regards himself as sole owner of what he has acquired. At the same time his right is recognized by other people. If, after a certain [673] object has found its master, anyone should disturb the latter in his right of ownership, that person is unequivocally regarded as a thief. Thus it is sufficient for anyone simply to lay his hands on ownerless goods, for in this way he identifies himself as their owner. He remains such as long as he keeps these goods or until he has consumed them. Even married persons take this into account in their behavior 425 543 toward each other, as /975/ Bridges (i):21 has already assured us: "What the wife caught or obtained was her own, the husband only used of it what his wife gave him, and she did not ask his permission

/983 cont./

674 the circumstances under which the Indian mentioned had filched the little knife unnoticed and probably immediately swallowed it in order to remain undetected.

685 The high degree of sensitivity of the Yamana is sufficient to explain why they seriously punish a thief. Thievish actions by one 558 of their people affects them very painfully and unpleasantly, even 626 if they themselves are not harmed by it. The thief is generally despised, and even after many years of irreproachable conduct, he rarely succeeds in improving his reputation. Only in exceptional cases is the thief given a few blows by the injured owner (402).

402. Only Dabbene (b):198 mentions that "the thief is castigated when he is discovered" /translated from Spanish/.

In case of aggravating circumstances, a theft may even lead to a dispute involving several families. In general the Yamana avoid associating with a thief or they turn away from him with unmistakable /984/ aversion, so that, excluded from the society of his nearest fellow-tribesmen, he stands alone (403). This punishment

403. Darwin (d):243 evidently met such an ostracized individual in Goeree Road near Lennox Island. "The man evidently lived by himself and York Minster said he was a bad man who had probably stolen something."

of being ignored and ostracized is more effective than scoldings and whippings.

673 The extent to which the Yamana abhor a tendency to steal 577 can be surmized from their urgent warnings to young people, as well as from their many expressions and linguistic subtleties in the designations for stealing. Koppers (d):189 took most of the expressions from BD. "There are words for thief, stealing, robbing. Furthermore for: to cause theft, to accuse of theft, to punish it. Also, however: to return stolen goods, to steal no

/984 cont./

673 577 more. Finally: to guard against being robbed, and, with this in mind, to entrust someone with the duty of watchman." The Indians are quite right in being concerned about their goods and chattels which, as such, are meager, for what they own is usually of vital necessity to them, and they could hardly relinquish them without seriously endangering themselves.

674 Since stealing does occur, however, in spite of being severely condemned, an explanation must be sought. One must never forget that the Yamana consider themselves to be at a disadvantage with Europeans and that they have been dispossessed by all those who have settled there as farmers or traders. They rob the Whites in order to get their rights and particularly to be repaid for losses. A person who is only trying to recover damages cannot be labeled a thief in the strict sense of the word (404). Moreover, the natives

> 404. Spears:67 makes the distinction that among the natives themselves "crimes against property were rare. As to the property of white men they were called thieves and robbers. Fitz-Roy is particularly severe on them in describing their lax notions about property" /cited in English/.

have been cheated in barter by many a European who did not know their principles and ideas of value. When this happened, they sought, by confiscating useful things, only what belonged to them according to their own ideas of justice. They saw an abundance of objects, whose value was unknown to them, in the possession of Europeans who visited them in the past century. According to their tribal custom, everyone shares his abundance with others; hence they thought they were justified in stretching out their hands toward the supposed abundance of the Whites.

Weddell's:152 supplies of iron were stolen twice, whereupon, by means of light punishment, he called the attention of the thief to his wrongdoing. A different attitude then developed among the natives and "they were ever after afraid even to lift a piece of iron without permission" /cited in English/. After that nothing was stolen from Weddell. He, as well as many another seafarer,